

CLAS CIRCULAR 2020/18 (18 June 2020)

Disclaimer

CLAS is not qualified to advise on the legal and technical problems of members and does not undertake to do so. Though we take every care to provide a service of high quality, neither CLAS, the Secretary nor the Governors undertakes any liability for any error or omission in the information supplied.

It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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CHARITIES & CHARITY LAW

Regulating in the public interest

For information

The Charity Commission has [published](#) an analysis of the relationship between charity, charities and the general public. The report aims to offer a better understanding of:

- The public in whose interest the Charity Commission regulates
- The views of trustees
- The contemporary world in which everyone must operate.

The Commission states that 'people's circumstances and outlook on life often vary greatly and these variations have a large influence over their views about Charity and charities.' It notes that there are 'common themes which transcend those differences in background', those being:

- The fact that the way charities go about their work is as important as the work that they do
- That all charities share a collective responsibility to uphold the reputation of Charity more widely
- Registered charity status brings with it in the public mind a level of reassurance about conduct, efficiency and impact.

[Source: Charity Commission, 15 June]

FAITH & SOCIETY

COVID-19: Personal Risk Factors for clergy, churchworkers and volunteers

For information

The Church of England has [issued](#) a new FAQ which may be of interest to CLAS members more generally: 'What guidance is in place for clergy, church workers and volunteers who are deemed to be at additional risk?' in the Prayer and Worship section of its COVID-19 pages and it has updated the FAQ 'What guidance is available for Holy Communion?'

[COVID-19: Personal Risk Factors for Clergy, Church Workers and Volunteers](#) notes the importance of recognising that certain groups of people are at greater risk than others; medical history is one indicator of increased risk but other factors have been identified as well. The Government and the [NHS](#) list two categories that are at increased clinical risk; people at high risk (clinically extremely vulnerable) and people at moderate risk (clinically vulnerable). These groups are detailed in the document; in addition, Public Health England has identified a number of risk factors for serious illness and death as a result of contracting COVID-19, some of which are also identified in the NHS clinical risk categories. The document concludes: 'Those in the Clinically Extremely Vulnerable Group should be advised not to consider employment or volunteering outside their homes. Clergy, Church Workers and Volunteers in other "at-risk" groups should discuss their situation with their Diocesan Bishop, employer or incumbent with regard to the type of work or voluntary activity they are able to perform.'

[Church of England, 16 June]

COVID-19: weddings

For information

On 15 June, the Secretary of State for Housing, Communities and Local Government, Robert Jenrick, [answered](#) several questions relating to weddings in the context of COVID-19. In the course of his responses he said that 'there is a significant effort across Government to allow people to hold weddings—in particular, small ones with appropriate social distancing—as soon as we can, but this must be done safely'.

[Source: Commons *Hansard*, 15 June]

Divorce, Dissolution and Separation Bill [*Lords*]

For information

The Divorce, Dissolution and Separation Bill was considered by the Commons in [Committee](#) on 17 June, read the third time and passed, with amendments. The next stage is for the Commons Amendments to be considered by the Lords.

The Commons Library has prepared a research briefing on the Bill, [here](#).

[Source: Commons *Hansard*, 17 June]

Marriage registration in England & Wales

For information

On 26 May, we wrote to the General Register Office with various queries following the publication of its latest *Newsletter*:

- if it is correct to assume that what the *Newsletter* described as 'the requirement for the prior attendance of the couple at the local register office to give notice of intention to marry' means that the couple must attend at the office in the registration district where the marriage is to take place, or would attendance at *any* register office comply with the requirement – if, for example, the couple live and work in London but are marrying in Carlisle – and if the bride and groom live in different places, whether they will need to go to two offices separately as at present.
- Whether, given that registration is to be purely electronic in future, couples might have the option of attending *either* the local register office where they live *or* at the local register office where the wedding is to take place.
- Whether the requirement that 'the signed schedule will then be returned to the register office for the registration district in which the marriage was solemnised' means that, under the latest proposal, *anyone* will be able return the schedule – for example, the officiant or a parent of one of the newlyweds – and that it will no longer be an obligation on the couple themselves.
- Whether it would be possible to issue the schedule in duplicate so that one copy could be retained by the church at which the wedding takes place for its own records.

On 15 May, the GRO replied as follows:

'The changes are to the manner of the registration of marriages and the issue of certificates from registered buildings will cease. The changes do not affect the preliminaries to marriage, i.e. the

requirement for the prior attendance of the couple at the a register office to give notice of intention to marry. How the notice will be taken or the requirement to have the relevant qualification (residence or UPW) to marry in a registered building or the form of marriage ceremony are not part of the legislative changes.

There are no plans to issue duplicate schedules for a registered building to retain as a local record. Further updates on processes and procedures will follow as they are finalised. Training/awareness products will also be provided. We will be in touch again as soon as we are able to answer more detailed questions.'

[Source: GRO, 15 May]

FUNDING

Places of Worship Protective Security Fund opens for applications

For information

The Places of Worship Protective Security Scheme, which offers Government funding for places of worship to improve their physical security, is open for applications. The Scheme can include more secure gates, locks, alarms and CCTV in order to deter and prevent hate crime attacks. Groups have until **9 August** to make an application.

As we have previously mentioned, the Home Office [opened a consultation on 15 March](#) to review what else can be done to protect faith institutions, while ensuring that a balance is struck between worshipping openly without fear and providing adequate security measures to protect worshippers. The consultation closes on **28 June**.

[Source: Home Office, 16 June]

SCOTLAND

Fair Rents (Scotland) Bill

For information

The [Fair Rents \(Scotland\) Bill](#) was introduced on 1 June by Pauline McNeill MSP. The Bill amends the *Private Housing (Tenancies) (Scotland) Act 2016* to change the law surrounding private rented housing in Scotland, in order to try to control rent levels. The Bill also:

- 'Prevents a landlord from increasing rent by more than a set level (related to inflation)
- Allows a tenant to apply to the rent officer to have a "fair open market rent" set for the property (a tenant can do this only once in any 12-month period)
- Means that landlords must include details of the rent they charge in the public register known as the Scottish Landlord Register.'

[Source: Scottish Parliament, 1 June]

WALES

COVID-19: update on reopening places of worship

For information

Gethin Rhys, Policy Officer of Cytûn: Churches together in Wales, has circulated an update COVID-19 and places of worship, which we reproduce with his permission.

Speaking in the Senedd on Wednesday, 10 June, First Minister Mark Drakeford [said](#) at para 110:

‘We raised the matter on 29 April in the faith communities forum, with leaders of faith communities in Wales, about the reopening of venues for private prayer. At that point, the firm advice from leaders of those communities was that it wasn’t practical for them to be able to reopen those venues in a way that is safe. I attended the last meeting of the faith communities forum last week. An enormous amount of work has gone on by those communities to put themselves in a position where they could now potentially reopen venues for private prayer. I was very impressed by all the practical things that they had thought about and were putting into place and we will consider that very seriously as we move to the end of the current three-week cycle.’

No further announcement is expected until Friday, 19 June. But following further discussions, the Welsh Government has agreed that it would be timely to draw the attention of those responsible for places of worship to guidance which is already in the public domain, which in due course may be useful to those who wish to arrange the re-opening of places of worship, once that is permitted, and should they wish to do so. Not all guidance will be relevant to all buildings or situations, but we believe that being in possession of this information will allow building managers to begin preparatory work if they so wish.

Useful resources

- [Working safely during coronavirus](#).
- [Working safely in offices and similar environments](#).
- [Health & Safety Executive Risk assessment guidance](#).
- [COVID workforce risk assessment tool](#): there are plans to create versions that could be used in other settings, however, this will give you a good starting point.
- [Cleaning guidance for non-healthcare settings](#).
- [Statutory guidance on taking all reasonable measures to maintain physical distancing in the workplace](#) and [supplementary guidance](#).
- Test, trace, protect: [information and Q&A about Test, Trace, Protect](#).

- [Personal Protective Equipment \(PPE\)](#).
- [Face coverings – frequently asked questions](#): Making a [3 layer face covering](#).
- [Travelling](#).
- [Self-isolation and staying at home](#).
- [Protective measures to be taken in childcare settings](#).

A digest of all the current guidance and Frequently Asked Questions can be found [here](#).

[Source: Cytûn, 15 June]